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ABSTRACT

This pamphlet clarifies the concept of academic freedom and its application to grades 1-12 of the public schools. Guidelines focus the attention of school districts, professionals, and the public on the key issues of academic freedom, including its relationship to district policies, personal freedom, instruction, and students. A 58-item bibliography is included. (MLF)

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FREEDOM TO TEACH

FREEDOM TO LEARN

A discussion paper on Academic Freedom

EA 003 371

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OREGON EDUCATION ASSOCIATION

1970

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A DISCUSSION PAPER

BY

THE EDUCATIONAL POLICIES COMMISSION

Oregon Education Association

1970

ACADEMIC FREEDOM

IN THE

PUBLIC SCHOOLS

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Foreword

IN June, 1969, President Hal Swafford of the Oregon Education Association charged the Educational Policies Commission with the task of clarifying the concept of academic freedom as it applies to grades 1 through 12 of the public schools. For more than a year Commission members reviewed the literature and met with resource people to get various points of view on the philosophy of academic freedom today. The Commission also called upon knowledgeable individuals to review preliminary drafts of this discussion paper and is indebted to all who assisted in this study.

The statements which follow represent a consensus of the thinking of Commission members. It is hoped that these guidelines will bring important facets of academic freedom to the attention of school districts or individuals with interests in academic freedom. Hopefully, the guidelines will serve as a springboard for group discussions in classrooms, conferences and in-service sessions as well as at meetings of teachers, administrators, and school boards. Discussions on this topic should lead to a better comprehension of what today constitutes appropriate academic freedom in public schools.

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A Introduction

EDUCATIONAL literature contains few definitive statements about academic freedom on the public school level. The majority of statements deal with academic freedom in higher education. The principles of academic freedom on the college level, however, apply where students 18 years of age or older have enrolled voluntarily. The same principles of academic freedom seem inappropriate where children and youth are required to attend school from age six to the compulsory school age limit. Some individuals even question the appropriateness of applying the term "academic freedom" to the common schools of our nation. Because of society's demands, public schools today serve more than an educational function. They also serve as one of society's most influential social institutions.

In beginning its task of developing a discussion paper on academic freedom, the Educational Policies Commission members soon realized that no final statement could be formulated which would rule out sound judgment for dealing with specific problems of academic freedom. Issues that make this topic difficult to handle include the following:

1. The numerous and often conflicting definitions of academic freedom existing in the minds of the public and the professional educators.
2. The efforts of some spokesmen to equate academic freedom in grades 1 through 12 with that which is appropriate on the university level.
3. The difficulty of formulating a definition of academic freedom which fits equally well on all 12 grade levels of the public schools.
4. The fact that public school children are a captive audience who **must** attend school in contrast to the voluntary attendance in higher education.

5. The militant polarization of community, national, and world groups on numerous social issues today.
6. The polarized positions of public school personnel, some of whom feel that the only limit on a teacher should be his individual conscience, while others feel that the public which pays the bill can and must determine what will be taught to public school children.
7. The question of whether teachers should be, or whether they can in fact avoid being, exemplars for children and youth.

BECAUSE of these and similar problems, no ready-made answers are available that will fit all questions of academic freedom. The need for some guidance, however, is critical. The Educational Policies Commission has identified guidelines that will prove helpful to citizens, teachers, administrators, and school board members in understanding and adjudicating major challenges to academic freedom.

Freedom—License

THE Commission believes that confusion about academic freedom results largely from a failure to differentiate between individual rights and freedoms guaranteed under the Constitution to each citizen and the more limited rights associated with academic freedom of a teacher to teach and students to learn. Professional educators must understand that freedom should not be confused with license. Academic freedom is circumscribed both by the laws of the land and the values of a community. A teacher does not have the freedom to advocate personal ideas in the public school classroom if they conflict with such laws, community values, or the published educational objectives

and policies of the local school district. At the same time the policies and procedures in any school district must be consonant with state laws and the Constitution of our land.

This raises the question of whether these limitations nullify the existence of academic freedom in public schools. The state of Oregon, for example, stipulates that those responsible ". . . shall select textbooks on American history and government which adequately stress the services rendered by the men who achieved our national independence. . . . No textbook shall be used in the schools which speaks slightingly of the founders of the republic or of the men who preserved the union or which belittles or undervalues their work." (ORS 337.260) This requirement seems to conflict with some concepts of academic freedom that a balanced presentation must be made of all controversial issues. However, our society does seek to perpetuate its values through the public schools. It may be saying, "There are some values which we wish our schools to teach, impose, or indoctrinate." Thus, both society and schools should re-examine the possible misconception that unrestricted academic freedom does exist throughout grades 1 to 12 in our public schools.

COMMUNITY influence on local public schools is inevitable. Because pupils are required to attend and because the schools are established and financially supported by the public, the wishes and concerns of the supporting community must be considered to a greater degree than in higher education.

Groups—Individuals

NEARLY all the guidelines and comments included in this study refer to academic freedom for groups of

teachers or students. Therefore, all statements would need to be circumscribed by existing policies of the local school boards and the state board of education. In other situations, problems of academic freedom may apply to just one person. Local circumstances, however, will vary so much that the Commission found it impractical to speak very definitively in terms of academic freedom for individuals. Should a professional staff member feel that his Constitutional rights are unreasonably limited by local or state policies, his rights under the Fourteenth Amendment continue to be protected by access to due process of law. In other words, any school policy which relates to the exercise or limitations of academic freedom must be thought of as being subject to the challenge of a legal test through which it may be upheld, denied, or modified by a court of law.

Academic Freedom, A Constant

THE principle of academic freedom is a constant. The application of the academic principle, however, is not a constant; it may vary from place to place, from time to time, and from one age level in education to another. For the purposes of this discussion paper, academic freedom is examined from the point of view of the public schools at the present time.

B *Guidelines for Academic Freedom*

The Educational Policies Commission emphasizes the need for readers to view all portions of this docu-

ment as parts of an interrelated and interdependent whole. Viewed in isolation, individual points may well be considered out of context and probably not be representative of the Commission's posture on academic freedom.

General Concepts

SOCIETY has the right to expect schools to insure a reasonable balance between the right of the teacher to exercise judgment in his work, the right of the student to learn in a climate of freedom, and its own right to expect that public education will result in an enlightened and responsible citizenry.

ACADEMIC freedom and academic responsibility are two sides of the same educational coin; each should always be considered in relationship to the other.

THE broader personal freedoms which a teacher enjoys as a citizen of the community are limited by the responsibilities for the personal and educational welfare of students when the teacher is engaged in his official duties.

THE right of a teacher to make professional judgments presupposes that the teacher possesses professional competence both in his subject matter field and in pedagogy.

District Policies and Academic Freedom

EACH school district should have available for potential employees (a) stated educational objectives

for the district, (b) statements regarding the academic rights and responsibilities both of teachers and pupils, (c) the process by which objectives and policies are consistently applied and (d) the method by which these policies may be modified.

PRIOR to accepting an employment contract, the teacher should review the school district's statement of educational objectives and policies to ascertain whether or not they are compatible with his individual goals.

ANY public school teacher whose work is held to be inconsistent with a district's stated educational objectives or policies should have a procedure available to review and dispose of such charges. Incorporated in such a procedure should be reference to both the professional judgment of the teacher's colleagues and that of his administrators.

ACADEMIC freedom does not permit a teacher to violate published policies of a district without being accountable for such actions. Responsibility is an integral part of academic freedom.

DISTRICT authorities may not take arbitrary or capricious action abridging the personal rights of the teacher. Neither may the teacher in the name of academic freedom use his position in an institution to injure or to undermine that institution as it functions responsibly within its established and accepted objectives.

Personal Freedom and Academic Freedom

BECAUSE academic freedom includes responsibility for impact on the minds of children and youth, its

limits are not always coincident with the personal freedoms of a citizen.

THE public school teacher when not in school has the personal freedom of any citizen to conduct himself as he wishes. His out-of-school conduct is open to question only when it can be established that this behavior adversely affects his institution, his classroom performance, or his students.

THE individual public school teacher is free to speak or write as he pleases in his capacity as a private citizen but he must make it clear that he speaks for himself and not for the school.

ACADEMIC freedom permits teachers to explore all issues, objectively within assigned teaching areas. However, academic freedom does not give staff members the right to teach in other subject areas which happen to be of personal interest if these are not a part of the official teaching assignment.

PUBLIC school employees should be wise and prudent in exercising the same legal right as other citizens to question actions or challenge decisions of the school board or the administration. However, ethical behavior suggests that efforts first be made to work within the organization to modify the administrative or school board practice.

ACADEMIC freedom does not grant a public school teacher the right to promote his **personal** sociological, economic, political, or religious viewpoints.

Instruction and Academic Freedom

A POSITIVE emphasis on values generally accepted by our society is consistent with the purposes of public education and is not to be considered an abuse of the student's academic freedom. In this sense indoctrination is not necessarily to be deplored.

A PUBLIC school teacher is not merely expected to perpetuate society as it exists today, but also is free to discuss proposals for change which are constructive and can be approached in a responsible, orderly manner.

APPLICATION of the principle of academic freedom should be influenced by such considerations as the maturity level and educational background of the students. Because of the age and the relative unsophistication of its students, public schools are more restrictive than universities in the application of academic freedom.

PUBLIC school instructors should avoid the presentation of inappropriate concepts by relying on the assumption that students will tune out ideas not suitable for them. All students cannot be expected automatically to filter out inappropriate curricular materials.

PUBLIC school teachers should be free to draw upon supplementary instructional materials (print and nonprint) which have the collective endorsement of educators, including his subject matter peers, and which can be reconciled with the general acceptance level of the community.

A TEACHER must be free to engage students in a balanced and responsible study of controversial issues and be assured of school board support against intimidation efforts by special interest groups in the community which may be in conflict on these issues.

Students and Academic Freedom

IN their search for truth, students have the right to inquire, discover, debate, and question. They also should have access to competent teachers as well as adequate and appropriate learning resources.

STUDENTS should become fully aware of their responsibilities which accompany the academic rights provided for them by society.

THE student has a right to study any controversial issue appropriate to his level of understanding. Academic freedom for students requires that the teacher exercise responsible judgment in selecting content, materials, and methods of instruction that give consideration to the relative maturity of his pupils.

Students have greater academic freedom than teachers in that they may with impunity espouse an unpopular view, while the classroom instruction should present the various sides of any controversial issue without obvious bias.

THE student's academic freedom entitles him to a fair evaluation of his work free of discrimination because of personal opinions or beliefs which he expresses.

ACADEMIC freedom for students includes the right to undistorted presentations by the classroom teacher as well as the right to receive instruction without disruption or interference from others.

STUDENTS have a right to be involved with the staff in decision-making within the framework of a consistent, orderly and clearly defined process that provides for joint accountability for decisions in which they are involved.

Conclusion

THE Educational Policies Commission has attempted to identify the basic philosophy which it believes should underlie academic freedom in grades 1 through 12 of the public schools. During these deliberations Commission members have been impressed with the difficult challenge facing school districts and professional educators who seek an acceptable definition of academic freedom. In fact, the Commission is convinced that any final definition of academic freedom may be impossible because of its evolutionary nature. Future court decisions will play an important part in our society's ultimate definition of academic freedom.

AS suggested in the Foreword, the Commission hopes that the general guidelines herein presented will focus the attention of school districts, professionals, and the lay public on the key issues of academic freedom. Thus this paper should serve to provoke discussions at professional conferences, inservice sessions, school board meetings, and in college classrooms. As groups such as school boards adopt official procedures to govern contests in the area of academic freedom, the Commission requests that copies of such reports be sent to the Educational Policies Commission of the Oregon Education Association to assist with a subsequent review of this topic so critical to today's American educational scene.

FOR knowledge is grateful to the understanding, as light to the eyes: children are pleased and delighted with it exceedingly, especially if they see that their inquiries are regarded, and that their desire of knowing is encouraged and commended.

Locke—Some Thoughts Concerning Education

NO patriot serves his country well who hides the clay feet of his country's idols beneath layers of gilt. It is far wiser to let children see the clay, the better to appreciate the few pieces of Parian marble and genuine gold that the idols may contain.

Louis Gottschalk—Understanding History

I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with progress of the human mind as that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstance, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors.

I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.

Thomas Jefferson

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